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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,464	02/26/2004	Illissa Carol White-Wooten	281-6	7030

25675 7590 12/15/2005

LAW OFFICE OF POLLY L. OLIVER
P.O. BOX 4625
FEDERAL WAY, WA 98063

EXAMINER

HYLTON, ROBIN ANNETTE

ART UNIT	PAPER NUMBER
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3727

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/787,464

Applicant(s)

WHITE-WOOTEN, ILLISSA
CARROL

Examiner

Robin A. Hylton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2-26-04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The title should include at least one technical, or inventive, feature of the claimed instant invention. Additionally, no method of use is claimed.

Claim Rejections - 35 USC § 112

2. Claims 6-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear how the cone is mounted "within" the first side of the ring to extend in the same direction as the sealing lip. If it is "within" the first side of the ring how does it extend?

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1,3,4, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Sawatani (US 4,948,009). The hole is formed within the thickened central portion upon movement of the flaps.

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5. Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Singiser (US 3,019,932). Disk (18) has a thickened center portion (34) with a hole extending there through and a vent hole (either of 25 and 26).

6. Claim 4 is rejected under 35 U.S.C. 102(b) as being anticipated by Gamblin, Jr. (US 3,438,527). See figure 8 illustrating a generally circular, planar disk having a geometric center and defining a center hole extending roughly orthogonally through said center, and a vent hole (32) through the disk offset from the center hole.

7. Claims 6 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Lin. Lin teaches a plug with a ring having a vent hole (28), a truncated cone (32) and a cylinder (the inner portion of the cone) extending toward the ring.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sawatani in view of Gamblin. Sawatani teaches a lid having a thickened area and an openable portion within the thickened portion. Wherein it can be argued the flaps do not form an opening, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of an opened slitted, valve structure which is collapsible to prevent spillage as taught by Gamblin. Doing so allows for the an easier insertion of a drinking straw through the central portion of the lid.

10. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Singiser in view of Nedbal (US 5,180,643).

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Singiser teaches the claimed adapter except for a plurality of annular rings on the lip.

Nedbal teaches it is known to provide a plurality of annular rings on a lip.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of a plurality of annular rings on the lip of Singiser as taught by Nedbal. Doing so allows for inconsistencies in the surface of an associated container neck.

11. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Guthrie (US 6,032,825) in view of Stassi (US 2,052,496).

Guthrie teaches an adapter having a disk-shaped ring (44), a hollow, truncated cone (42) with a base and a distal end, and a cylinder mounted to the distal end. Guthrie does not teach the cylinder extends back toward the ring from the mounted position of the cone distal end.

Stassi teaches an adapter having a cone and a cylinder mounted to the distal end of the cone and extending therefrom.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of a cylinder mounted to the distal end of cone and extending therefrom back toward the ring to the adapter of Guthrie in view of Stassi. Doing so would provide additional stability to the inserted item (22) once placed into the opening.

12. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lin.

Lin teaches the claimed adapter except for the plurality of annular rings defined by the sealing lip (36).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to form the sealing lip as a plurality of annular rings since the examiner takes Official Notice of the equivalence of screw threads and annular rings for their use in the

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closure art and the selection of any of these known equivalents to secure a lid or adapter to a container would be within the level of ordinary skill in the art.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Various prior art closures teaching features similar to those disclosed and/or claimed are cited for their disclosures.

14. In order to reduce pendency and avoid potential delays, Group 3720 is encouraging FAXing of responses to Office Actions directly into the Group at (571) 273-8300. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into Group 3720 will be promptly forwarded to the examiner.

15. It is called to applicant's attention that if a communication is faxed before the reply time has expired, applicant may submit the reply with a "Certificate of Facsimile" which merely asserts that the reply is being faxed on a given date. So faxed, before the period for reply has expired, the reply may be considered timely. A suggested format for a certificate follows:

I hereby certify that this correspondence for Application Serial No. _____ is being facsimiled to The U.S. Patent and Trademark Office via fax number 571-273-8300 on the date shown below:

Typed or printed name of person signing this certificate

Signature _____

Date _____

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robin Hylton whose telephone number is (571) 272-4540. The examiner can normally be reached Monday - Friday from 9:00 a.m. to 4:00 p.m. (Eastern time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

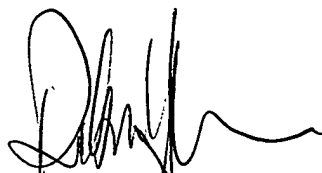
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supervisor, Nathan Newhouse, can be reached on (571) 272-4544.

If in receiving this Office Action it is apparent to applicant that certain documents are missing, e.g., copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers should be directed to Errica Miller at (571) 272-4370.

Any inquiry of a general nature or relating to the status of this application or proceeding may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RAH
December 11, 2005

A handwritten signature in black ink, appearing to read 'Robin A. Hylton', with a stylized, flowing script.

Robin A. Hylton
Primary Examiner
GAU 3727